

Remarks

The Examiner in the official action referred a couple of times to a response filed by the Applicants on December 13, 2004. The Applicants filed no such amendment on that date but rather filed an amendment on February 7, 2005. It is unclear what the Examiner is referring to.

The Examiner has rejected claim 8 as being anticipated by the Li et al reference under 35 U.S.C. 102. The Examiner is in error.

The amendment of February 7, 2005 amended claim 5 so that it requires at least one fluorine atom in at least one 3,5,-bis(trifluoromethyl)benzyl group or in at least one R, R¹, or R² group. **All remaining claims depend from claim 5 and thus also require at least one fluorine atom in at least one 3,5,-bis(trifluoromethyl)benzyl group or in at least one R, R¹, or R² group.** Claim 8 thus requires at least one fluorine atom in at least one 3,5,-bis(trifluoromethyl)benzyl group or in at least one R, R¹, or R² group. Li et al discloses or suggests no such compound.

The rejection should be withdrawn.

Claims 5, 8, 9 and 10 have been rejected under 35 U.S.C. 103 as being unpatentable over Pandey et al., U.S. 5,952,366 in view of Li et al.

This rejection is improper and should be withdrawn.

As discussed above, **All remaining claims require at least one fluorine atom in at least one 3,5,-bis(trifluoromethyl)benzyl group or in at least one R, R¹, or R² group.** Pandey et al. disclose or suggest no such compound. No trifluoromethyl compound of any kind is

suggested by Pandey et al. and likewise no trifluoromethyl compound of any kind is suggested by Li et al. **It is thus clear that this combination of references cannot and does not suggest any trifluoromethyl compound and certainly not the (trifluoromethyl)benzyl compounds presently claimed.**

The Examiner has rejected claim 5 as being indefinite under 35 U.S.C. 112 because R and R' are not defined. R and R' and have been deleted by amendment.

The Examiner has rejected claim 5 as being indefinite under 35 U.S.C. 112 because the nitrogen in the general formula has two bonds instead of three. This is clearly a typographical type error. The nitrogens in the a and c rings clearly have an attached hydrogen as is well known with respect to unsaturated a and c rings of tetrapyrrol type compounds. The claim has been amended to remove the objection.

Claim 10 has been cancelled.

In view of the foregoing amendments and remarks, it is clear that all claims are in condition for allowance, which action is courteously requested.

Respectfully submitted,



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